IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1027 OF 2000.

Laxmibai Balkrishna Lokhande
and Anr. ..Petitioners
V/s
Subhash Baban Lokhande and others..Respondents.

Mr.Prashant Nagare for Mr. S.K. Shinde, Advocate for the petitioners

Mr. Dilip Bodke for respondent No.1

Mrs. S.V. Gajre, A.P.P.for the State.

CORAM : J.H. BHATIA, J.

DATE : 22ND JUNE , 2007.

P.C.

. Heard Mr. Nagre, learned Counsel for the petitioners and Mr.Bodke, learned Counsel for respondent No.1.

2. Upon the report under Section 145 Cr.P.C. the Executive Magistrate, Mahabaleshwar found that the respondent NO.1 had illegally taken possession and had locked certain shop in City Survey No. 117 and he directed that the lock be broken and the present petitioners be put in possession of the same. That

order was challenged by the respondents before the Sessions Court in Revision Application No.67/2000. By order dated 26/6/2000, 3rd Additional Sessions Judge, Satara granted interim stay to the order passed by the Executive Magistrate, pending revision application. The order of interim stay came to be challenged by the present petitioners. This petition is pending for last seven years. Mr. Bodke, learned Counsel for the respondent NO.1 makes a statement at Bar that even before the interim order could be passed by the Sessions Court in favour of the respondent No.1, the possession was actually given to the present petitioners and the petitioners are in possession now by virtue of the order passed by the Executive Magistrate. As the revision application is pending before the Sessions Court for final hearing and possibly because of the pendency of this petition that revision application is not being taken up for hearing, he concedes that the Sessions Court may be directed to hear the revision application and decide it finally. According to him, if the respondent No.1 succeeds in the revision application, he shall move the Sessions Court for restoration of possession but he will not disturb the possession of the present petitioners' till decision of the said revision

application.

3. In view of this statement, I find that it is not necessary to decide the petition on merits. The purpose will be served if the sessions Court is directed to hear and dispose of the revision application NO. 67/2000 at the earliest.

4. The Sessions Judge/concerned Additional Sessions Judge, Satara is hereby directed to expedite the hearing of Criminal Revision Application NO. 67/2000 and dispose of the same on merits as early as possible in any case, within next three months. Till the decision of the said revision application, the possession which is already given to petitioners by the Executive Magistrate shall not be disturbed. In case, the present respondents/applicants succeed in the revision application, they shall be at liberty to move the Sessions Court for restoration of the possession.

5. With the aforesaid directions, the petition stands disposed off.

(J.H. BHATIA, J.)